

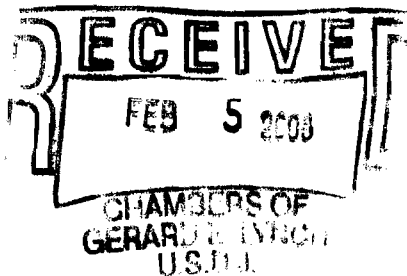
U.S. Department of Justice

**MEMO ENDORSED**United States Attorney
Southern District of New York86 Chambers Street
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February 5, 2008

BY HANDHonorable Gerard E. Lynch
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2/6/08</u>

Re: Layzer et al. v. Leavitt, 07 Civ. 11339 (GEL)

Dear Judge Lynch:

has I write respectfully on behalf of the defendant Michael O. Leavitt, Secretary of Health and Human Services ("Defendant" or the "Government") in the above-referenced case to request until March 20, 2008 to answer, move or otherwise respond to the complaint. Assuming that defendants were properly served, their response to the complaint is presently due on February 19, 2008.

The Government respectfully requests this extension in order to afford additional time to obtain and review plaintiffs' administrative files. This is the Government's first request for an extension. Plaintiffs' counsel has graciously consented to this request.

I thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

BY:

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SO ORDERED

 GERARD E. LYNCH, U.S.D.J.
 2/6/08

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